

DN: POSTJUDG.5

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	CIVIL ACTION NO. CV 99 4272
v.	)	
Joann Hirsch	)	
a/k/a Joann Rotella	)	
Defendant(s),	)	HON. THOMAS C. PLATT
and	)	
Fonar Corp.	)	
Garnishee	)	

APPLICATION FOR WRIT OF CONTINUING GARNISHMENT

1. The United States of America, plaintiff, makes application in accordance with 28 U.S.C. § 3205(b)(1) to the Clerk of the United States District Court to issue a Writ of Garnishment upon the judgment entered against the Defendant(s) Joann Hirsch, a/k/a Joann Rotella, social security number 135-48-3208, whose last known address is: 209 Juniper Rd. Kings Park, NY 11754, in the above-cited action in the amount of \$1938.19, and post-judgment interest at the rate of 5.670%, compounded annually.

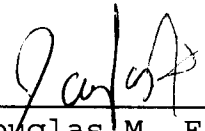
2. Demand for payment of the above-stated debt was made upon the debtor not less than 30 days from January 18, 2001, and debtor has failed to satisfy the debt.

3. The Garnishee is believed to owe or will owe money or property to the judgment debtor, or is in possession of property of the debtor, and said property is a nonexempt interest of the debtor. The name and address of the Garnishee or his/her

authorized agent is:

Fonar Corp.  
Attn: Payroll Dept  
110 Marcus Drive  
Melville, NY 11747

Dated: ALBANY, NY  
January 18, 2001

  
\_\_\_\_\_  
Douglas M. Fisher  
(DF3129)

This is an attempt to collect a debt. Any information obtained will be used for that purpose. This is a communication from a debt collector.

DN: POSTJUDG.6

TO: Fonar Corp.  
Attn: Payroll Dept  
110 Marcus Drive  
Melville, NY 11747

INSTRUCTIONS TO THE GARNISHEE

Attached is a Writ of Garnishment requesting that you determine whether or not you have in your possession, custody or control any of the property of the debtor listed therein, or any other property of the debtor. You are required by law to serve a written answer to this writ within 10 days of your receipt of this writ. You are further required to withhold and retain any property in which the debtor has a substantial non-exempt interest including, if applicable, any bank accounts, funds, negotiable instruments, any personal property, and/or if applicable, twenty-five (25) percent of Defendant's disposable non-exempt earnings. A list of exemptions which are not subject to the Writ of Garnishment is attached to the Writ, entitled Claim for Exemption form.

**IF YOU FAIL TO ANSWER THIS WRIT OR TO WITHHOLD PROPERTY IN ACCORDANCE WITH THE WRIT, THE COURT MAY MAKE YOU LIABLE FOR THAT AMOUNT OF THE DEBTOR'S NON-EXEMPT PROPERTY WHICH YOU FAILED TO WITHHOLD. ADDITIONALLY, YOU MAY BE HELD LIABLE FOR A REASONABLE ATTORNEY'S FEE TO THE UNITED STATES AMERICA IF THE UNITED STATES FILES A PETITION TO THE COURT REQUESTING AN EXPLANATION FOR YOUR FAILURE TO COMPLY WITH THIS WRIT.**

If you have any additional questions, please call  
Solomon and Solomon, P.C., Arlene Bottillo at (518) 456-7200,

Ext. 243, or by mail to:

Solomon and Solomon, P.C.  
Columbia Circle, Box 15019  
Albany, NY 12212-5019  
Attn: DOJ Student Loan Unit

This is an attempt to collect a debt. Any information obtained will be used for that purpose. This is a communication from a debt collector.

DN: POSTJUDG.7

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	CIVIL ACTION NO. CV 99 4272
v.	)	
Joann Hirsch	)	
a/k/a Joann Rotella	)	
Defendant(s),	)	HON. THOMAS C. PLATT
and	)	
Fonar Corp.	)	
Garnishee	)	

WRIT OF CONTINUING GARNISHMENT

GREETINGS TO: Fonar Corp.  
Attn: Payroll Dept  
110 Marcus Drive  
Melville, NY 11747

An application for a Writ of Garnishment against the property of Joann Hirsch, a/k/a Joann Rotella, defendant, has been filed with this Court. A judgment has been entered against the above-named defendant in the amount of \$1938.19, plus costs and interest, computed through 12/14/99.

You are required by law to answer in writing, under oath, within ten (10) days, whether or not you have in your custody, control or possession, any property and/or funds owned by the debtor, including non-exempt, disposable earnings.

Please state whether or not you anticipate paying the debtor any future payments and whether such payments are weekly, bi-weekly or monthly and/or whether you anticipate being in receipt of any additional property of Defendant in the future.

You must file the original written answer to this writ within ten (10) days of your receipt of this writ with the United States District Clerk at:

Clerk of the Court  
U.S. District Court  
225 Cadman Plaza East, Room 130  
Brooklyn, NY 11201

Additionally, you are required by law to serve a copy of this writ upon the debtor at: 209 Juniper Rd. Kings Park, NY 11754 and upon the Attorney for the United States of America, Solomon and Solomon, P.C., Five Columbia Circle, Box 15019, Albany, NY 12212-5019.

Under the law, there is property and/or funds that are exempt from this Writ of Garnishment. Property and/or funds that are exempt and that are not subject to this order are listed on the attached Claim for Exemption form. You are required to withhold and retain any property and/or funds in which the Defendant has a substantial non-exempt interest until further notice.

Pursuant to 15 U.S.C. §1674, Garnishee is prohibited from discharging the defendant from employment by reason of the fact that his earnings have been subject to garnishment for any one indebtedness.

If you fail to answer this writ or withhold property and/or funds in accordance with this writ, the United States of America may petition the Court for an order requiring you to appear before the Court. If you fail to appear or do appear and

fail to show good cause why you failed to comply with this writ, the Court may enter a judgment against you for the value of the debtor's non-exempt property. It is unlawful to pay or deliver to the defendant any item attached by this writ.

Dated:

\_\_\_\_\_  
Brooklyn, NY

\_\_\_\_\_  
Robert C. Heinneman  
Clerk, U.S. District Court

This is an attempt to collect a debt. Any information obtained will be used for that purpose. This is a communication from a debt collector.

DN: POSTJUDG.8

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	CIVIL ACTION NO. CV 99 4272
v.	)	
Joann Hirsch	)	
a/k/a Joann Rotella	)	
Defendant(s),	)	HON. THOMAS C. PLATT
and	)	
Fonar Corp.	)	
Garnishee	)	

INSTRUCTIONS TO DEBTOR  
CLERK'S NOTICE OF POST-JUDGMENT  
GARNISHMENT

You are hereby notified that the non-exempt earnings are being taken by the United States of America which has a Court judgment in civil action number, CV 99 4272, U.S. District Court for the Eastern District of New York, in the sum of \$1938.19, for a Department of Education Loan.

In addition, you are hereby notified that there are exemptions under the law which may protect some of the property and/or funds from being taken by the Government if Joann Hirsch, a/k/a Joann Rotella, can show that the exemptions apply. Attached is a summary of the major exemptions which apply in most situations in the State of New York.

If you are Joann Hirsch, a/k/a Joann Rotella, you have a right to ask the court to return your property and/or funds to you if you think you do not owe the money to the Government that it says you do, or if you think the property and/or funds the Government is taking qualifies under one of the above exemptions.



If you want a hearing, you must notify the court within 20 days after receipt of the notice. Your request must be in writing.

If you wish, you may use this notice to request the hearing by checking the box below. You must either mail it or deliver it in person to the Clerk of the United States District Court, Eastern District of New York at 225 Cadman Plaza East, Room 130, Brooklyn, NY 12201. You must also send a copy of your request to the Attorneys for the United States of America, Solomon and Solomon, P.C., Five Columbia Circle, Box 15019, Albany, NY 12212-5019, Attention: DOJ Student Loan Unit, so the Attorneys for the United States of America will know you want a hearing.

The hearing will take place within 5 days after the Clerk receives your request, if you ask for it to take place that quickly, or as soon after that as possible.

At the hearing you may explain to the judge why you think you do not owe the money to the Government. If you do not request a hearing within 20 days of receiving this notice, your property may be sold at public auction and the proceeds of the sale paid on the debt you owe the Government.

If you think you live outside the Federal judicial district in which the court is located, you may request, not later than 20 days after you receive this notice, that this proceeding to take your property be transferred by the court to

the Federal judicial district in which you reside. You must make your request in writing, and either mail it or deliver it in person to the Clerk of the United States District Court, Eastern District of New York at 225 Cadman Plaza East, Room 130, Brooklyn, NY 12201. You must also send a copy of your request to the Attorneys for the United States of America, Solomon and Solomon, P.C., Five Columbia Circle, Box 15019, Albany, NY 12212-5019, Attention: DOJ Student Loan Unit, so the Attorneys for the United States of America will know you want the proceeding to be transferred.

Be sure to keep a copy of this notice for your own records. If you have any questions about your rights or about this procedure, you should contact a lawyer, an office of public legal assistance, or the clerk of the court. The clerk is not permitted to give legal advice, but can refer you to other sources of information.

Dated: \_\_\_\_\_

Brooklyn, NY

\_\_\_\_\_  
Robert C. Heinneman  
Clerk, U.S. District Court

☐ I request a hearing.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defendant

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CLAIM FOR EXEMPTION FORM  
MAJOR EXEMPTIONS UNDER FEDERAL LAW

I claim that the exemption(s) from garnishment of wages or property which are checked below apply in this case:

- ☐ 1. Social Security benefits and Supplementary Security income (42 U.S.C. Section 407).
- ☐ 2. Veterans' benefits (38 U.S.C. Section 3101).
- ☐ 2a. Members of armed services (10 U.S.C. Section 1440, 38 U.S.C. Section 562).
- ☐ 3. Federal civil service retirement benefits (5 U.S.C. Section 8346 and 22 U.S.C. Section 4060(c)).
- ☐ 4. An annuity to survivors of federal judges (28 U.S.C. Section 376(n)).
- ☐ 5. Longshoremen and Harborworkers Compensation Act (33 U.S.C. Section 916).
- ☐ 6. Black lung benefits (30 U.S.C. Section 931(b)(2)(F) and 932(a)).
- ☐ 6a. Seaman's master's or fisherman's wages, except for child support or spousal support and maintenance (46 U.S.C.A. Sections 1108-1109(a-c)).

Exemptions listed 1 through 6 may not be applicable in child support and alimony cases (42 U.S.C. Section 659).

- ☐ 6b. Railroad retirement, pension, unemployment benefits (45 U.S.C. Sections 231(m), 352(e)).
  - ☐ 7. Bankruptcy Code (Title 11, United States Code) which generally provides exemptions for:
    - ☐ \$15,000 in equity in a residence.
    - ☐ \$2,400 in equity in a motor vehicle.
    - ☐ \$1,000 in jewelry.
    - ☐ \$8,000 in personal property.
    - ☐ \$1,500 in equity in any implements, professional books, or tools, of the trade of the debtor or the trade of a dependent of the debtor.
    - ☐ In addition, a debtor who does not own a residence or who has less than \$15,000 in equity in a residence may exempt an additional \$7,500 in personal property.
- Additional exemptions or limited exemptions apply to such items as insurance contracts, pensions and various benefits such as Social Security.

8. Compensation for war risk hazards (42 U.S.C. Section 1717).

### MAJOR EXEMPTIONS UNDER STATE LAW

**NOTE:** The law of the state where you have been domiciled for at least 180 days governs your rights.

**NOTE:** If you have selected the Bankruptcy Code exemptions (line 7 above), you may not also claim the state law exemptions listed below. A summary of the major exemptions provided by New York State law is as follows:

9. Personal property, certain household property furnishings, certain animals up to \$450 in value, wearing apparel, certain jewelry up to \$35 in value, certain tools of trade up to \$600 in value, certain property damage causes of action, certain property held in trust, certain retirement plans, certain insurance contracts and annuities, certain trust income, certain percentage of wage income, (except as preempted by Federal Law pursuant to 28 U.S.C. Section 3004(d) which permits the garnishment of up to twenty-five (25) percent of disposable non-exempt earnings subject to Section 303 of the Consumer Credit Protection Act), spousal and child support order income, income for military service, milk sale proceeds, certain rental and utility security deposits, certain medical equipment.

Property claimed:

Fair market value

_____	\$ _____
_____	\$ _____
_____	\$ _____

(Attach additional sheets, if necessary)

10. Real property up to \$10,000 in value, the equity in land with a dwelling, cooperative apartment corporation stock shares, condominium units, or a mobile home, certain burial plots.

Address of Real Property

Fair Market Value

Lien

Equity

_____	\$ _____	\$ _____	\$ _____
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(Attach additional sheets, if necessary)

11. Other. Describe basis of claim for exemption and property.

The statements made in this claim of entitlement to exemptions and request for hearing as to exemption entitlements and fair market value of the property designated are made and declared

under penalty of perjury that they are true and correct. I hereby request a court hearing to decide the validity of my claims. Notice of the hearing should be given to me by mail at:

\_\_\_\_\_ or telephonically at (\_\_\_\_\_) \_\_\_\_\_  
Address Phone no.

\_\_\_\_\_  
Defendant's printed name or typed name

\_\_\_\_\_  
Signature of the Defendant Date

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DN: POSTJUDG.10

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	CIVIL ACTION NO. CV 99 4272
v.	)	
Joann Hirsch	)	
a/k/a Joann Rotella	)	
Defendant(s),	)	HON. THOMAS C. PLATT
and	)	
Fonar Corp.	)	
Garnishee	)	

ANSWER OF THE GARNISHEE

\_\_\_\_\_, BEING DULY SWORN DEPOSES AND SAYS:  
(Affiant)

IF GARNISHEE IS AN INDIVIDUAL:

That he/she is Garnishee herein doing business in the  
name of \_\_\_\_\_.

(State full name and address of business)

IF GARNISHEE IS A PARTNERSHIP:

That he/she is a member \_\_\_\_\_  
of a partnership composed of which Garnishee is a partner.

IF GARNISHEE IS A CORPORATION:

That he/she is the (State Official Title) \_\_\_\_\_  
\_\_\_\_ of Garnishee, \_\_\_\_\_ a corporation, organized  
under the laws of the State of \_\_\_\_\_.

On \_\_\_\_\_, 200\_\_, Garnishee was served with the Writ of  
Continuing Garnishment. For the pay period in effect on the date  
of service (shown above)

Yes No

- \_\_\_\_ 1. Defendant was in my/our employ.
2. Pay period is \_\_\_\_ weekly, \_\_\_\_ bi-weekly  
\_\_\_\_ semi-monthly, \_\_\_\_ monthly.
- Enter date present pay period began.
- (Present means the pay period in which  
this order and notice of garnishment were  
served)
- Enter date above pay period ends.
3. Enter amount of net wages. Calculate below:
- |                                      |         |
|--------------------------------------|---------|
| (a) Gross Pay                        | \$_____ |
| (b) Federal income tax               | _____   |
| (c) F.I.C.A. income tax              | _____   |
| (d) State income tax                 | _____   |
| Total of tax withholdings            | \$_____ |
| Net Wages<br>(a less total of b,c,d) | \$_____ |
- \_\_\_\_ 4. Have there been previous garnishments in effect.
- If the answer is yes, describe below.
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
5. The Garnishee has custody, control or possession  
of the following property and/or funds (non-



earnings), in which the Debtor maintains an interest, as described below:

<u>Description of Property</u>	<u>Approximate Value</u>	<u>Description of Debtor's Interest in Property</u>
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____

Garnishee anticipates owing to the judgment-debtor in the future, the following amounts:

<u>Amount</u>	<u>Estimate date or Period Due</u>
1. \$ _____	_____
2. \$ _____	_____
3. \$ _____	_____
4. \$ _____	_____

(Check the applicable line below if you deny that you hold property subject to this order of garnishment.)

\_\_\_\_\_ The Garnishee makes the following claim of exemption on the part of Defendant:

\_\_\_\_\_ Or has the following objections, defenses, or set-offs to Plaintiff's right to apply Garnishee's indebtedness to Defendant upon Plaintiff's claim:

\_\_\_\_\_ The Garnishee was then in no manner and upon no account indebted or under liability to the Defendant, Joann Hirsch, a/k/a Joann Rotella, and that the Garnishee did not have in his/her possession or control any property belonging to the Defendant, or in which the Garnishee has an interest; and is in no manner liable as Garnishee in this action.

The Garnishee mailed a copy of this answer by first-class mail to (1) the Debtor, Joann Hirsch, a/k/a Joann Rotella, 209 Juniper Rd. Kings Park, NY 11754, and (2) the attorneys for the United States, Solomon and Solomon, P.C., Five Columbia Circle, Box 15019, Albany, NY 12212-5019.

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Garnishee

Subscribed and sworn to before me this  
\_\_\_\_\_ day of \_\_\_\_\_ 200\_\_.

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Notary Public

My Commission expires: \_\_\_\_\_

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**ATTACHMENT TO ANSWER OF GARNISHEE**

The Original Answer must be mailed to:

Clerk, United States District Court  
225 Cadman Plaza East, Room 130  
Brooklyn, NY 11201

and a copy of this Answer to:

Solomon and Solomon, P.C.  
Five Columbia Circle, Box 15019  
Albany, NY 12212-5019  
Attention: DOJ Student Loan Unit

and a copy of this answer to the defendant:

Joann Hirsch, a/k/a Joann Rotella  
209 Juniper Rd.  
Kings Park, NY 11754

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